

1 Q. And what were they?

2 A. The director of personnel, who really  
3 did most of the hiring, was my junior.

4 Q. And who was that?

5 A. There were four while I was there.

6 Q. Do you remember any of the four's  
7 names?

8 A. I must, yes. Sandra -- it was a  
9 Serbian last name. I'm blanking on that.  
10 Angela -- again, I don't know her last name. I'm  
11 embarrassed to say I don't know her last name.  
12 There was a Megan Wheeler who was the director of  
13 personnel. Erin might have been, but she might  
14 not actually have been a director of personnel.  
15 I'm trying to recall. And then there was a Diana  
16 who was a director of personnel.

17 Q. And what was generally the director of  
18 personnel's responsibilities?

19 A. Take the application, review the  
20 application, brief interview, hire the person,  
21 handle the paperwork.

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1 Q. Were these applications predominantly  
2 for the telemarketing position?

3 A. Well over half.

4 Q. What were the other positions that  
5 were available?

6 A. Administrative staff.

7 Q. Did you ever interview any of the  
8 personnel who was applying for the telemarketer  
9 positions?

10 A. No, sir.

11 Q. Did you ever interview any of the  
12 personnel applying for other administrative  
13 positions?

14 A. If they were -- only managers and  
15 above. Those are who I would meet at least and  
16 get my seal of approval. I would meet all of  
17 them, I suppose. You're saying interview. I  
18 would meet them, but interview, no. I did the  
19 preliminary interviews for one of the individuals  
20 in the accounting area, for example.

21 Q. Did you make the decision whether or

1 not to hire telemarketers?

2 A. No, sir. The director of personnel  
3 had that power.

4 Q. What about with respect to  
5 non-telemarketing personnel?

6 A. There wasn't a formal method. My  
7 input was important. But the area that person  
8 was going to work in needed the -- I really  
9 granted the right of that manager of that area to  
10 make a decision largely. But we all needed  
11 consent.

12 Q. Do you recall in your roughly nine  
13 months at U.S. Bell and Buzz Telecom how many  
14 telemarketers you had to terminate?

15 A. Oh, that's a very tough call. I don't  
16 recall.

17 Q. More than ten?

18 A. Certainly.

19 Q. More than 30?

20 A. In nine months, that would be three to  
21 four a month? Qualifying it as a guess, I'll say

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1 50.

2 Q. That's fine. And you're basing that  
3 roughly on three to four terminations a month?

4 A. I'll call it five to six per month.

5 Q. Do you recall how many of those  
6 terminations were for transgressions related  
7 solely to the telemarketer's interaction with  
8 potential customers?

9 A. Genuinely few. I couldn't give you a  
10 number exactly. Genuinely few. The terminations  
11 were largely the product of failure to show,  
12 failure to show on time, behavioral matters.

13 Q. Such as insubordination?

14 A. Correct. And we would terminate for  
15 lack of production, would be the other more  
16 common scenario, if we had someone who just  
17 couldn't sell.

18 Q. Do you remember what the standard was  
19 for that?

20 A. We had no set standard. And we worked  
21 to establish them and would modify them and we

1 would discuss this, but I had no standard in  
2 fact.

3 Q. Would you make the decision to  
4 terminate an employee for lack of productivity?

5 A. I wouldn't make the -- may I answer it  
6 this way? I would not be the sole party making  
7 that decision. It would come from the sales  
8 floor that this person was not producing and they  
9 would largely request that of me.

10 Q. So whoever it was that was on the  
11 sales floor or oversaw the sales floor would come  
12 to you and say that this particular telemarketer  
13 is just not producing for us?

14 A. Largely through the dispatch as I  
15 described.

16 Q. And then what would you do in that  
17 situation?

18 A. I'm big on training them and giving  
19 them a chance. It depended really, I guess, on  
20 their attitude and how badly they wanted to  
21 learn. Some of it was an easy call. If you show

1 me 40 examples of doing this, I could show you 40  
2 completely different approaches.

3 Q. Was it unusual for you to overrule  
4 what the sales manager --

5 A. It was not unusual.

6 Q. Do you recall generally how many  
7 employees you fired for this reason in the  
8 roughly nine months you were there?

9 A. Sir, I just don't. I would hesitate  
10 to even offer you a number. It would simply be  
11 fabrication.

12 Q. Fair enough. Did you have any  
13 responsibility in the hiring of Shalanda  
14 Robinson?

15 A. Shalanda was there many years, I  
16 understand, before I got there.

17 Q. What about with respect to Shannon  
18 Dennie?

19 A. Interestingly, Shannon Dennie was  
20 interviewed, evaluated, and hired completely in  
21 my absence during a three week trip to Los

1 Angeles.

2 Q. Quick work.

3 A. I came back and there she was.

4 Q. How about Lisa Green?

5 A. I did an interview with Lisa Green but  
6 not the hire. Though, if I recall correctly, she  
7 had my blessing.

8 Q. So you recommended the company hire  
9 her?

10 A. I think I did. I liked her. If I  
11 recall correctly, yes.

12 Q. Do you remember roughly when you  
13 interviewed her?

14 A. Oh, can I guess? Late fall, early  
15 winter of last year. It would be in the file.

16 Q. But sitting here today, you don't  
17 remember the month?

18 A. No, I don't frankly even remember the  
19 interview.

20 Q. Okay.

21 A. May I amend one answer?

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1 Q. You may.

2 A. I was gone for really over three  
3 weeks. I may have met Shannon Dennie. I'm now  
4 getting a possibility that I did shake Shannon  
5 Dennie's hand in the lobby possibly in the  
6 application process. So in the name of complete  
7 accuracy, I guess I just don't remember.

8 Q. But you don't remember having anything  
9 to do with her hiring?

10 A. I don't remember that. I sure don't.  
11 And I would not have made that hire. That was  
12 not a hire I could make.

13 Q. Why is that?

14 A. Corporate affairs, that would be done  
15 by the brass.

16 Q. What was your understanding of Lisa  
17 Green's position at the company when she was  
18 hired?

19 A. I'm trying to remember what -- I don't  
20 remember. I'm trying to remember if we hired her  
21 to replace the woman in corporate affairs. So I

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1 think it was -- I don't recall.

2 Q. Was it Amy Dickson?

3 A. Amy Dickson is the one who departed.

4 It may have been that Lisa was hired as her

5 replacement. I'm not recalling it. I'm

6 wondering if Lisa started elsewhere with the

7 company and I just don't recall.

8 Q. So it's possible that Ms. Green

9 started not in corporate affairs?

10 A. It's certainly possible. My

11 recollection is she was hired to replace Amy

12 Dickson. That is my vague recollection.

13 Q. Why would you have interviewed her and

14 not Ms. Dennie if they were both destined for

15 corporate affairs?

16 A. Well, had I been around, I probably

17 would have at least interviewed Shannon. But it

18 wasn't a hire I could make. I think that my

19 viewpoint could have been enlisted, so my two

20 cents was always useful, just not important.

21 Q. That's good. Thank you. Did you

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1 receive any training in your responsibilities  
2 when you started at U.S. Bell?

3 A. Most certainly. The first two to  
4 three months of my time there was in what you  
5 would consider a training regiment.

6 Q. What did that entail?

7 A. I did a little of everything. I sold  
8 on the floor for a few days, the better part of a  
9 week. I took customer service calls. I did data  
10 entry. Kurtis created a checklist of things to  
11 do that really put me in almost every part of the  
12 company for at least a few days. Had I been more  
13 focused, I would have gone through it more  
14 quickly. But I was also working while training  
15 so it ended up taking about two to three months.  
16 Two months to be fair.

17 Q. Were you successful when you sold on  
18 the floor?

19 A. I'm embarrassed to say I was a  
20 complete washout.

21 Q. Good thing you didn't have to

1 terminate yourself.

2 A. And I would have.

3 Q. How long during this training period  
4 did you take customer service complaints?

5 A. It was a certain number. I think I  
6 had to take ten calls, was what the program  
7 required of me.

8 Q. At that time, what was the company's  
9 policy with respect to what they did with the  
10 customer service complaints?

11 A. I'm not sure I understand quite what  
12 you're asking about.

13 Q. When you received a customer service  
14 complaint, what did you do?

15 A. Well, with the ten I received, there  
16 were ten different actions. We refunded when  
17 that was warranted.

18 Q. Was that your decision as the customer  
19 service representative?

20 A. At the time, you're saying. Well, I  
21 made no decision, of course. I partnered with

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1 the director of customer service and she helped.  
2 I took the call but with her instructions, of  
3 course. I just don't recall exactly how that  
4 worked. But I was personable in trying to  
5 understand the customer's complaints and took  
6 care of it from there.

7 Q. Do you remember there being a specific  
8 policy with respect to what the customer service  
9 representatives were supposed to do with the  
10 calls?

11 A. Not that I recall. No specific  
12 policy, no.

13 Q. Who did you supervise in your nine  
14 months there?

15 A. May I understand the question better,  
16 my direct juniors?

17 Q. Yes.

18 A. That's better. Thank you. The  
19 receptionist, the director of personnel. We had  
20 a -- I'm trying to remember the title we gave  
21 him. He was the maintenance guy. He handled the

1 building. And then a woman -- a position, who  
2 happened to be a woman throughout my time there  
3 -- who was the manager of all those three I just  
4 described. And so I largely ran her to run those  
5 three people.

6 Q. Did you have any responsibility over  
7 sales managers?

8 A. No. None at all.

9 Q. Did you have any responsibility over  
10 anyone in corporate affairs?

11 A. None whatsoever.

12 Q. Did you have any responsibility over  
13 anyone in the customer service department?

14 A. No, sir.

15 Q. When you first started at U.S. Bell,  
16 did you have an understanding of how many states  
17 in which U.S. Bell was authorized to provide  
18 service?

19 A. No knowledge whatsoever of that.

20 Q. Did you eventually come to that  
21 knowledge?

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1 A. Slowly.

2 Q. And how was that?

3 A. As dispatches would come my way -- I  
4 don't know that I was ever truly -- I couldn't  
5 tell you now how many states, for example. At no  
6 one time could I list them for you. It was just  
7 knowledge that I gained by being there.

8 Q. Can you give me a general idea of what  
9 those dispatches would say?

10 A. I would just get copied on a dispatch  
11 that would make reference to a state. And I did  
12 the math and figured, yes, we can sell there  
13 because they're on our list here.

14 Q. Were these dispatches directed to you  
15 or were you effectively -- what I call -- cc'd on  
16 those?

17 A. Yes, carbon-copied. I was just copied  
18 or perhaps at an executive council meeting, the  
19 sales manager would announce that now we're okay  
20 to sell to this state. So I would learn that  
21 way.

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1 Q. But it wasn't part of your regular  
2 responsibilities to track or monitor how many  
3 states in which U.S. Bell or Buzz or Business  
4 Options was allowed to sell?

5 A. Completely removed from my  
6 responsibilities.

7 Q. Did there come a time when you  
8 understood that the state of Vermont was  
9 investigating Business Options?

10 A. There was.

11 Q. There did come a time?

12 A. Yes.

13 Q. When was that?

14 A. I'm going to say -- I can't exactly  
15 tell you. I'm thinking it was around November;  
16 is that right?

17 Q. Just whatever your memory is.

18 A. I don't recall. I'll say November per  
19 my recollection. I may be way off.

20 Q. Do you remember how you came to that  
21 knowledge?

1           A.       I was asked to -- which was commonly  
2 asked of me in the company when there was  
3 something that required just getting something  
4 done, I was asked to do it. And there was a  
5 mailer that needed to go to the state where we  
6 sent out hundreds of letters, and I got just the  
7 basic idea of what we were doing. It wasn't my  
8 business what we were doing specifically. But  
9 what I did was execute the logistics of stuffing  
10 the envelopes, sealing the envelopes, stamping  
11 the envelopes, and seeing they got to the post  
12 office.

13           Q.       Can you tell me what a mailer is?

14           A.       A letter. Just a letter. We were  
15 sending letters out. Someone had to fold them.  
16 It takes a long time to stuff 1,500 envelopes. I  
17 had the responsibility of just getting the  
18 personnel together, begging them to work late,  
19 whatever. Begging the director of customer  
20 service to let me have customer service reps  
21 because I wasn't going to be able to do it with

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1 my people, finding the people on the sales floor  
2 to handle their quotas and then begging them to  
3 come help me. So the specific matter, I had very  
4 little to do with.

5 Q. I'm going to show you a document that  
6 has database stamp No. 08452. Do you recognize  
7 that letter?

8 A. It was probably within the mailer, but  
9 I don't know that I ever read it.

10 Q. Does the format of it look familiar?

11 A. Kind of. I imagine I glanced at it.  
12 I certainly don't recall it, but it would be  
13 likely that I would have looked at it.

14 Q. But you don't have any memory of ever  
15 seeing that letter before?

16 A. No. I have no recollection. Having  
17 seen it pass my eye, it's recorded somehow. I  
18 never had any focus on it.

19 Q. So you certainly didn't help write  
20 this letter?

21 A. I certainly didn't.

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1           Q.     Did you have any other understanding  
2     about the Vermont investigation of Business  
3     Options other than what you described with the  
4     mailer?

5           A.     I don't know that there was even,  
6     other than just what I described.

7           Q.     You didn't have any discussion with  
8     Kurtis?

9           A.     None whatsoever.

10          Q.     Or Ms. Dennie or Ms. Green?

11          A.     No.

12          Q.     Did your responsibilities ever put you  
13     in contact with Ms. Dennie or Ms. Green?

14          A.     Very rarely. I won't say never, but I  
15     would say rarely.

16          Q.     What were those occasions, if you can  
17     recall?

18          A.     Here's what would have -- but I don't  
19     have an example in my mind. But if they got a  
20     complaint and it involved a specific rep, they  
21     would handle the lawful matter. They would

1 handle the external line of it, you know what I  
2 mean, the complaint, if you will. And then I  
3 would get copied on the rep, and then I would  
4 handle it from that internal point of view. So I  
5 would then go out and terminate the rep or  
6 whatever the disciplinary action called for. I  
7 just don't recall that happening.

8 I had one exchange with Shannon Dennie  
9 as regards to some questions I answered which  
10 would be one of the few times we actually  
11 exchanged actual documents or where we actually  
12 did some business together. And I don't recall  
13 ever really seeing Lisa except saying "good  
14 morning" or whatever. She was a nice, pleasant  
15 girl.

16 Q. Do you remember when you did business  
17 with Ms. Dennie as you described it?

18 A. That was in November, I believe.

19 Q. Okay. Mr. Chill, I'm showing you a  
20 copy of a letter from the Federal Communications  
21 Commission to the legal department at Business

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1 Options dated November 1st, 2002. I would like  
2 you to take a few seconds and just kind of skim  
3 that letter if you would.

4 A. You're saying genuinely skim --

5 Q. Yes.

6 A. -- so I'll do just that.

7 Q. Yes. I would like to see if you  
8 recognize that letter.

9 A. If I recognize it?

10 Q. Yes, sir.

11 A. I do. Well, I'm assuming. I don't  
12 know that I do. I have not read it.

13 Q. You have not read the copy in front of  
14 you?

15 A. I'll retract that. This is not the  
16 one I thought I had seen on a fax. So I have  
17 never seen this. I have never seen this letter.

18 Q. Did you have any discussions with Ms.  
19 Dennie about -- strike that.

20 A. Okay. I can tell you with certainty I  
21 have never seen this letter. Oh, well, these are

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1 questions I answered, aren't they? Yeah. These  
2 now look familiar.

3 Q. Okay. So you do recognize this?

4 A. Just that one point. She just gave me  
5 the questions.

6 Q. Who is she?

7 A. Shannon. These are the questions  
8 Shannon sent to me. These sound very familiar.

9 Q. Do you remember when she sent those  
10 questions to you?

11 A. I'm thinking sometime in November.  
12 But I didn't see the rest of the document, is my  
13 point to you.

14 Q. Okay.

15 A. As I'm scanning, I recognize those.  
16 7, 8, 9, 10, and 11.

17 Q. So it's your testimony that you have  
18 not seen this letter before?

19 A. Never saw the rest of it.

20 Q. But Ms. Dennie at some point, in  
21 November you believe, asked you to respond to

1 questions 7 through 11?

2 A. Yes. And I received those questions  
3 separate from the rest of the letter because I  
4 don't remember this. None of the rest of this  
5 looks familiar.

6 Q. Okay. How did you receive those  
7 questions?

8 A. I don't remember.

9 Q. You don't remember?

10 A. A copy, I guess. I'm not recalling.  
11 Did she type them up? I don't recall, sir.

12 Q. Did she have any discussion with you  
13 about your responses to those questions 7 through  
14 11?

15 A. None whatsoever. At the time, we  
16 barely knew each other. I don't remember even  
17 speaking to her over it. I think it arrived in  
18 my box. I'm trying to recall. No discussion, to  
19 answer your question. I recall the questions,  
20 but I have not seen the rest of this in any form.

21 Q. But you don't remember her saying

1 anything about what was required of you?

2 A. I can tell you with certainty there  
3 was no actual discussion. Possibly just, you  
4 need to answer these questions. But nothing  
5 else. She wouldn't have offered me anything.  
6 She was fairly new.

7 Q. She was very new?

8 A. At the time, I think she was new there  
9 so I don't know that we really knew each other.  
10 So there was not going to be any discussion  
11 between us.

12 Q. Yes. I believe you're right with  
13 respect to how long she had been employed there.  
14 Do you know how she got your name as the person  
15 who should be responsible for responding to  
16 questions 7 through 11?

17 A. That's a good question. I have no  
18 idea.

19 Q. You didn't ask her?

20 A. No.

21 Q. Did you know that you were going to be

1 responding to questions and that those responses  
2 would go to the FCC?

3 A. I think I knew they were going to the  
4 FCC, yes.

5 Q. How did you know that?

6 A. I'm trying to remember. I don't  
7 remember. Possibly she said it. Maybe it was on  
8 the form she gave me. I might have assumed, but  
9 I have recollection that I knew these would be  
10 going to the FCC.

11 Q. Did you talk to Mr. Kintzel, did you  
12 talk to Kurtis about your responses to those  
13 questions?

14 A. Not a word and never have.

15 Q. Did you talk to Keanan Kintzel?

16 A. Not a word.

17 Q. When you responded to these questions,  
18 how did you respond? In what format?

19 A. Typed up answers, I believe.

20 Q. What did you do with those typed  
21 answers?

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1           A.     I'm going to say -- I'm assuming -- I  
2 gave them back to Shannon.

3           Q.     But you don't have the memory today  
4 that you gave them to Ms. Dennie?

5           A.     Correct. Or acknowledgment that she  
6 received them even.

7           Q.     I think I know the answer to this, but  
8 please bear with me one minute.

9           A.     Of course.

10          Q.     I'm going to show you a copy of a  
11 letter dated December 9th of 2002. It's sent on  
12 Business Options letterhead to Peter Wolfe at the  
13 FCC. Have you ever seen that letter before?

14          A.     No -- well...

15          Q.     Have you ever seen the top letter  
16 before?

17          A.     Never. Never heard that name.

18          Q.     Is there anything attached to that  
19 letter that you recognize?

20          A.     Well, I -- never seen this.

21          Q.     And by "this," you mean the second